

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARTIN ROB CAGAN,

Plaintiff,

Docket No. CV 08 3710
(SF) (ML)

v.

ANSWER

BRONEY GADMAN, ELIZABETH
GADMAN, BRONEY GARTLAND
GADMAN, JR., MICHAEL GADMAN,
RUTHANN GADMAN, TONY
BONVENTRE, BETTY CATALFO,
HOME PERFECTIONS, INC., a New York
Corporation, BMD, INC., a New York
Corporation, BGJR, INC, a New York
Corporation, FOXWILLIAMS
SOLICITORS, MARK TASKER,
CAROLEEN VANHOOMISSEN
PHILLIPS, MORRIS EAGERMAN,
CHERIE A. GADMAN,

Defendants.

Reynold A. Mauro, Esq., hereby appears in this action and respectfully submits on behalf of the named defendants an Answer to the plaintiff's complaint filed herein, alleging as follows:

FIRST: The defendants deny each and every allegation of the complaint as are more particularly set forth in paragraphs therein designated as 1 and 210, except that defendants admit that there was a prior business relationship between the plaintiff and defendant Broney Gadman and that prior legal proceedings involving the identical issues as presented by this complaint were in fact conducted and fully litigated in London, UK.

AS AND FOR FIRST AFFIRMATIVE DEFENSE

SECOND: The complaint in whole or in part fails to state a cause of action upon which relief can be granted.

AS AND FOR SECOND AFFIRMATIVE DEFENSE

THIRD: The complaint is barred in whole or in part by the applicable statutes of limitation.

AS AND FOR THIRD AFFIRMATIVE DEFENSE

FOURTH: The claims set forth in the complaint are barred pursuant to the doctrine of laches.

AS AND FOR FOURTH AFFIRMATIVE DEFENSE

FIFTH: The complaint is barred in whole or in part by the doctrine of waiver, estoppel and/or unclean hands.

AS AND FOR FIFTH AFFIRMATIVE DEFENSE

SIXTH: Upon information and belief, plaintiff has failed to mitigate his damages, if any.

AS AND FOR SIXTH AFFIRMATIVE DEFENSE

SEVENTH: The claims set forth in the complaint are barred pursuant to the doctrine of *res judicata*.

AS AND FOR SEVENTH AFFIRMATIVE DEFENSE

EIGHTH: The claims set forth in the complaint are barred pursuant to the New York State and Federal rules pertaining to the statutes of limitations.

AS AND FOR EIGHTH AFFIRMATIVE DEFENSE

NINTH: That the complaint herein in its form fails to comply with Federal rules of civil procedure and is essentially too vague and indistinct to prepare an adequate defense.

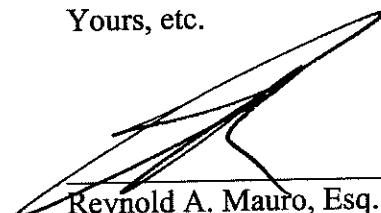
AS AND FOR NINTH AFFIRMATIVE DEFENSE

TENTH: The defendants hereby give notice that they intend to rely upon such other and further defenses as may become available or apparent during the proceedings in this action.

WHEREFORE, the defendants respectfully request that any and all of plaintiff's claims be dismissed in their entirety, with prejudice, and that this Court enter judgment in favor of the defendants and provide for costs, disbursements and reasonable counsel fees in defending this action, together with such other and further relief as this Court may deems just and proper.

Dated: October 21, 2008
Commack, New York

Yours, etc.



Reynold A. Mauro, Esq. (RM 3616)
Attorney for Defendants
353 Veterans Memorial Highway
Commack, New York 11725
631.543.3663

TO:

Martin Rob Cagan
Plaintiff *Pro se*
1400 SW 124th Terrace
Cambridge Q Apt. #303
Pembroke Pines, Florida 33027

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

Alena Steinert, being duly sworn, says: I am not a party to the action, am over 18 years of age and reside in Suffolk County.

On October 20, 2008, I served the within Answer by mailing a copy, with postage thereon, in a post office or official depository of the US Postal Service within the State of New York, to each of the following persons at the last known address as set forth after each name below.

Martin Rob Cagan
Plaintiff *Pro se*
1400 SW 124th Terrace
Cambridge Q Apt. #303
Pembroke Pines, Florida 33027



Alena Steinert

Sworn to before me this 20
day of October, 2008



Notary Public

7402MKA6124401
Suffolk Co., NY
10/28/08